

Amendment under 37 C.F.R. §1.111
Application No. 10/766,043
Attorney Docket No. 042058

Amendment dated: June 13, 2006

REMARKS

Claims 1-26 are pending. Claims 20, 24-26 have been amended herein. Support for the amendments is detailed below.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claims 24 and 25 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Office Action maintains that the claims omit essential structural cooperative relationships of elements. In response thereto, applicants have amended the claims to more distinctly claim the subject matter regarded as the invention. Specifically, applicants have restructured the preamble of the claims so as to place the phrases in the form of method steps. Applicants submit that the claims as amended recite the necessary structural connections. Wherefore, favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §101

Claim 20 and 26 stand rejected under 35 U.S.C. 101 as not being tangible since the executing steps of the claimed machine can be implemented by software alone. In response thereto, applicants have amended the claims to more distinctly claim the subject matter regarded as the invention. Specifically, applicants have included the feature that the program of the claims is located on a tangible medium. Wherefore, in light of the amendments, applicants respectfully request favorable reconsideration.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 1-6, 8-18, 20 and 21 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,772,038 (“**Kadono**”). Applicants respectfully traverse on the basis that **Kadono** does not teach each and every limitation of the claimed invention as required by 35 U.S.C. §102. In regard to claims 1, 20 and 21 **Kadono** does not teach or suggest the limitation of “a working case storage unit storing working conditions, as a working case of the working conducted in the past.”

According to the present invention, the monitoring unit 10 receives the information detected by the sensor unit 22a and monitors the working state in the working machine 2. Page 19, lines 4-7. When finished, the working case registration unit 17 registers in the cutting working case data base 15, the information (working conditions) as a working case that was detected by the monitoring unit 10 for future use by the cutting working condition auto setting unit 14. Page 19, lines 12-20. Also, page 30, line 21 to page 34, line 19.

The Office Action cites to column 2, lines 45-48 of **Kadono** as disclosing this limitation. This section discloses a process/machining model data storage section for storing characteristics data, process data, stock blank data and machining model data prepared by the process/machining model data generating section. **Kadono** discloses as a source of the characteristic data “product configuration data generated by CAD.” See col. 2, lines 35-44. At column 3, lines 9-46, **Kadono** describes how product design data extracted from CAD is utilized to generate the process data, the stock blank data and the machining model data. In other words,

Kadono does not teach storing and utilizing past performance data for use in a working case as required by the claims. Wherefore, **Kadono** does not anticipate parent claims 1, 20 and 21.

Additionally, as recited in Claims 2-4 of the present invention, after setting the working conditions the actual work is carried out according to the working conditions which have been set. Then, the monitoring information obtained during working, the operator input information after working, etc., are accumulated as useful examples for working. Hence, the data of such examples will be utilized for determining the working conditions for the subsequent working. Thus, with the present invention, it is possible to determine better working conditions based on the accumulated similar examples as the number of such examples is increased, thereby improvement of working performance is obtained.

Contrary, **Kadono** discloses that the working conditions are determined uniquely according to the characteristics data. There is no teaching of the examples of the past reflected in determining the working conditions. Further, **Kadono** is characterized by generating a NC data from the characteristics data, but the characterizing features of the present invention are: collection of information (monitoring, etc.) during and after working, accumulation of information and re-utilization of the information. These features are not taught or suggested by **Kadono**. Therefore, the present invention is not anticipated by the reference.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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